

Amy Samberg, Esq.
Nevada Bar No. 10212
Justin S. Hepworth, Esq.
Nevada Bar No. 10080
Snell & Wilmer L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
*Attorneys for Liberty Mutual Insurance Group
& LM Insurance Corporation*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LIBERTY MUTUAL INSURANCE GROUP,

Plaintiff,

v.

PANELIZED STRUCTURES, INC., ET AL.,

Defendants.

CASE NO. 2:10-cv-01951-MMD-PAL

Consolidated with:

CASE NO. 2:12-cv-00264-MMD-PAL

**STIPULATION AND ORDER TO
EXTEND DISCOVERY IN CASE NO.
2:12-cv-00264-MMD-PAL**

AND RELATED LITIGATION

Pursuant to LR 26-4, Liberty Mutual Insurance Group and LM Insurance Corporation and Panelized Structures, Inc. ("Panelized Structures") hereby submit the following Stipulation and Order to Extend Discovery in Case No, 2:12-cv-00264-MMD-PAL. The parties request that all outstanding discovery deadlines in this matter be extended pursuant to the following schedule.

A. Discovery Completed

The parties have engaged in extensive discovery in the related tort action filed in Nevada state court (Case No. A517829) and in the consolidated case before this Court (Case No. 2:10-cv-01951-MMD-PAL) which the parties have agreed may be used in this action (Case No, 2:12-cv-00264-MMD-PAL). Liberty Mutual Insurance Group and Panelized Structures have also exchanged initial disclosures in Case No. 2:10-cv-0195-MMD-PAL. Panelized Structures

propounded written discovery and noticed Rule 30(b)(6) depositions for the persons most knowledgeable at Liberty Mutual. Panelized Structures ultimately withdrew its written discovery after LM Insurance Corporation filed its Emergency Motion for Protective Order in Case No. 2:12-cv-00264 [Dkt. No. 135]. *See* Notice of Withdrawal of Written Discovery [Dkt. No. 153]. The Court entered a protective order on August 31, 2012, “precluding the Rule 30(b)(6) deposition notices referred to in Docket #154 from going forward while Defendants’ dispositive motions are pending.” *See* Order [Dkt. No. 156]. The parties have not engaged in any additional discovery.

B. Discovery Remaining

Depending on how the Court ultimately rules on Liberty Mutual Insurance Group’s Motion to Substitute LM Insurance Corporation as Plaintiff Real Party in Interest Pursuant to Rule 17(a) [Dkt. No. 119 in Case No. 2:10-cv-01951] and LM Insurance Corporation’s Motion to Dismiss [Dkt. No. 24 in Case No. 2:12-cv-00264], the parties may need to engage in additional discovery.

C. Reasons Why Discovery Not Completed

Discovery has not yet been completed in light of Liberty Mutual Insurance Group’s Motion to Substitute LM Insurance Corporation as Plaintiff Real Party in Interest Pursuant to Rule 17(a) [Dkt. No. 119 in Case No. 2:10-cv-01951], LM Insurance Corporation’s Motion to Dismiss [Dkt. No. 24 in Case No. 2:12-cv-00264] and the protective order [Dkt. No. 156 in Case No. 2:10-cv-01951].

D. Proposed Schedule for Completion of Discovery

The parties propose that the new discovery deadline be sixty (60) days after the Court has ruled on LM Insurance Corporation’s Motion to Dismiss [Dkt. No. 24 in Case No. 2:12-cv-00264] and on Liberty Mutual Insurance Group’s Motion to Substitute LM Insurance Corporation as Plaintiff Real Party in Interest Pursuant to Rule 17(a) [Dkt. No. 119 in Case No. 2:10-cv-01951].

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WHEREFORE, the parties respectfully request that the Court extend the discovery deadlines as outlined above.

DATED: December 4, 2012

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WAIT LAW FIRM

SNELL & WILMER L.L.P.

By: /s/ Eugene Wait
Eugene J. Wait, Esq.
Nevada Bar No. 1794
305 W. Moana Lane, Second Floor
Reno, NV 89509
Attorney for Panelized Structures, Inc.

By: /s/ Justin Hepworth
Justin Hepworth, Esq.
Nevada Bar No. 10080
3883 Howard Hughes Pkwy Ste 1100
Las Vegas, NV 89169
*Attorneys for Liberty Mutual Insurance
Group & LM Insurance Corporation*

ORDER

IT IS SO ORDERED that the following new deadlines apply:

The new discovery deadline shall be sixty (60) days after the Court has ruled on LM Insurance Corporation's Motion to Dismiss [Dkt. No. 24 in Case No. 2:12-cv-00264] and on Liberty Mutual Insurance Group's Motion to Substitute LM Insurance Corporation as Plaintiff Real Party in Interest Pursuant to Rule 17(a) [Dkt. No. 119 in Case No. 2:10-cv-01951].

DATED this 13th day of December, 2012.


MAGISTRATE JUDGE

DATED this 4th day of December, 2012

SNELL & WILMER L.L.P.

/s/ Justin S. Hepworth
Amy M. Samberg, Esq.
Nevada Bar No. 10212
Justin S. Hepworth, Esq.
Nevada Bar No. 10080
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
*Attorneys for Liberty Mutual Insurance Group
& LM Insurance Corporation*